

Location **Land Adjacent To 235 Nether Street London N3 1NT**

Reference: **23/0931/FUL** Received: 3rd March 2023
Accepted: 3rd March 2023

Ward: West Finchley Expiry 28th April 2023

Case Officer: **Emily Bell**

Applicant: Mr & Mrs Blackman

Proposal: Erection of a two storey structure with flat roof to facilitate creation of 1-bedroom 1st Floor Flat and Ground Floor Retail Unit Class E(a)

OFFICER'S RECOMMENDATION

Approve subject to conditions

AND the Committee grants delegated authority to the Service Director – Planning and Building Control to make any minor alterations, additions or deletions to the recommended conditions/obligations or reasons for refusal as set out in this report and addendum provided this authority shall be exercised after consultation with the Chair (or in their absence the Vice-Chair) of the Committee (who may request that such alterations, additions or deletions be first approved by the Committee)

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans:

Archaeological Desk based assessment by Thames Valley Archaeological Services
TQ 25492 91584 dated August 2021

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5228_PL_07c

Reason: For the avoidance of doubt and in the interests of proper planning and so

as to ensure that the development is carried out fully in accordance with the plans as assessed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy DM01 of the Local Plan Development Management Policies DPD (adopted September 2012).

- 2 This development must be begun within three years from the date of this permission.

Reason: To comply with Section 51 of the Planning and Compulsory Purchase Act 2004.

- 3 a) No development other than demolition works shall take place until details of the materials to be used for the external surfaces of the building(s) and hard surfaced areas hereby approved have been submitted to and approved in writing by the Local Planning Authority.

b) The development shall thereafter be implemented in accordance with the materials as approved under this condition.

Reason: To safeguard the character and visual amenities of the site and wider area and to ensure that the building is constructed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policy D4 of the London Plan 2021.

- 4 a) No development shall take place until details of the levels of the building(s), road(s) and footpath(s) in relation to the adjoining land and highway(s) and any other changes proposed in the levels of the site have been submitted to and approved in writing by the Local Planning Authority.

b) The development shall thereafter be implemented in accordance with the details as approved under this condition and retained as such thereafter.

Reason: To ensure that the development is carried out at suitable levels in relation to the highway and adjoining land having regard to drainage, gradient of access, the safety and amenities of users of the site, the amenities of the area and the health of any trees or vegetation in accordance with policies CS NPPF, CS1, CS5 and CS7 of the Local Plan Core Strategy (adopted September 2012), Policies DM01, DM04 and DM17 of the Development Management Policies DPD (adopted September 2012), and Policies D4, D5, D8 and G7 of the London Plan 2021.

- 5 Notwithstanding the plans submitted, a parking layout plan showing a standard parking bay and the dimensions of the proposed crossover shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the development and shall be implemented to the Authority's satisfaction before the building is first occupied and shall thereafter be kept available/ maintained for such use at all times.

Reason: To ensure that adequate and satisfactory provision is made for the parking

of vehicles in the interests of pedestrian and highway safety and the free flow of traffic in accordance with Policy CS9 of the Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

- 6 Prior to the commencement of the development, details of off-site highway works (proposed crossover) shall be submitted to and approved in writing by the Local Planning Authority. Highways Engineering Drawings and detailed Construction Specifications shall be submitted, with a minimum scale of 1:200 and the applicant shall enter into a s184 with the council to deliver any off-site highways works. The works approved shall be constructed in accordance with the approved details and to the satisfaction of the Local Highways Authority and fully completed before the site is occupied.

Reason: To ensure the safe form of access to the development and to protect the amenity of the area in accordance with Policy CS9 of the Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

- 7 All off site highways works shall be completed to the satisfaction of the local highway authority prior to first occupation of the development.

Reason: To ensure that adequate and satisfactory provision is made for the parking of vehicles in the interests of pedestrian and highway safety and the free flow of traffic in accordance with Policy CS9 of the Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

- 8 a) Before the development hereby permitted is first occupied cycle parking spaces and cycle storage facilities shall be provided in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.

b) The development shall thereafter be implemented in accordance with the details as approved under this condition and the spaces shall be permanently retained thereafter.

Reason: To ensure that cycle parking facilities are provided in accordance with the minimum standards, in the interests of promoting cycling as a mode of transport and to safeguard the visual amenities of the building and surrounding area, in accordance with Policy T5 and Table 10.2 of The London Plan (2021), Barnet's Local Plan Policies CS NPPF, CS1 and CS9 of Core Strategy (Adopted) September 2012, and Policies DM01 and DM17 of Development Management Policies (Adopted) September 2012.

- 9 a) Before the development hereby permitted is first occupied, details of enclosures and screened facilities for the storage of recycling containers and wheeled refuse bins or other refuse storage containers where applicable, together with a satisfactory point of collection shall be submitted to and approved in writing by the Local Planning Authority.

b) The development shall be implemented in full accordance with the details as approved under this condition prior to the first occupation and retained as such thereafter.

Reason: To ensure a satisfactory appearance for the development and satisfactory accessibility; and to protect the amenities of the area in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012); CS14 of the Adopted Barnet Core Strategy DPD (2012); and Policies D6 and SI7 of the London Plan 2021.

10 a) No development or site works shall take place on site until a 'Demolition and Construction Management and Logistics Plan' has been submitted to and approved in writing by the Local Planning Authority. The Demolition and Construction Management and Logistics Plan submitted shall include, but not be limited to, the following:

- i. details of the routing of construction vehicles to the site, hours of access, access and egress arrangements within the site and security procedures;
- ii. site preparation and construction stages of the development;
- iii. details of provisions for recycling of materials, the provision on site of a storage/delivery area for all plant, site huts, site facilities and materials;
- iv. details showing how all vehicles associated with the construction works are properly washed and cleaned to prevent the passage to mud and dirt onto the adjoining highway;
- v. the methods to be used and the measures to be undertaken to control the emission of dust, noise and vibration arising from construction works;
- vi. a suitable and efficient means of suppressing dust, including the adequate containment of stored or accumulated material so as to prevent it becoming airborne at any time and giving rise to nuisance;
- vii. noise mitigation measures for all plant and processors;
- viii. details of contractors compound and car parking arrangements;
- ix. details of interim car parking management arrangements for the duration of construction;
- x. details of a community liaison contact for the duration of all works associated with the development.

For major sites, the Statement shall be informed by the findings of the assessment of the air quality impacts of construction and demolition phases of the development.

b) The development shall thereafter be implemented in accordance with the measures detailed within the statement.

Reason: In the interests of highway safety, noise and good air quality in accordance with Policies DM04 and DM17 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and Policies SI 1, SI 7, D14 and T7 of the London Plan 2021.

11 a) No development shall take place until details of mitigation measures to show how

the development will be constructed/adapted so as to provide sufficient air borne and structure borne sound insulation against internally/externally generated noise and vibration has been submitted to and approved in writing by the Local Planning Authority.

This sound insulation shall ensure that the levels of noise generated from the **** as measured within habitable rooms of the development shall be no higher than 35dB(A) from 7am to 11pm and 30dB(A) in bedrooms from 11pm to 7am.

The report shall include all calculations and baseline data, and be set out so that the Local Planning Authority can fully audit the report and critically analyse the content and recommendations.

b) The mitigation measures as approved under this condition shall be implemented in their entirety prior to the commencement of the use or first occupation of the development and retained as such thereafter.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of the residential properties in accordance with Policies DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (2016), and Policies D13 and D14 of the London Plan 2021.

- 12 All Non-Road Mobile Machinery (NRMM) of net power of 37kW and up to and including 560kW used during the course of the demolition, site preparation and construction phases shall comply with the emission standards set out in chapter 7 of the GLA's supplementary planning guidance "Control of Dust and Emissions During Construction and Demolition" dated July 2014 (SPG), or subsequent guidance.

Unless it complies with the standards set out in the SPG, no NRMM shall be on site, at any time, whether in use or not, without the prior written consent of the local planning authority.

The developer shall keep an up to date list of all NRMM used during the demolition, site preparation and construction phases of the development on the online register at <https://nrmm.london/>

Reason: In the interest of good air quality in accordance with Policy DM04 of the Barnet Local Plan Development Management Policies (2012) and Policy SI1 of the London Plan 2021.

- 13 Prior to the first occupation of the units, copies of Pre-completion Sound Insulation Test Certificates shall be submitted to the Local Planning Authority, confirming compliance with Requirement E of the Building Regulations 2010 (or any subsequent amendment in force at the time of implementation of the permission).

Reason: To protect the amenities of future and neighbouring residential occupiers in accordance with Policies DM02 and DM04 of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (adopted April 2013).

- 14 Prior to the first occupation of the new dwellinghouse(s) (Use Class C3) hereby approved they shall all have been constructed to have 100% of the wholesome water supplied to them by the mains water infrastructure provided through a water meter or water meters and each new dwelling shall be constructed to include water saving and efficiency measures that comply with Regulation 36(2)(b) of Part G 2 of the Building Regulations to ensure that a maximum of 105 litres of water is consumed per person per day with a fittings based approach should be used to determine the water consumption of the proposed development. Any use of grey water and/or rain water systems needs to be separate from the potable (wholesome) water system and needs to meet the requirements and guidance set out in Part G of the Building Regulations.

The development shall be maintained as such in perpetuity thereafter.

Reason: To encourage the efficient use of water in accordance with policy CS13 of the Barnet Core Strategy (2012), Policy SI 5 of the London Plan 2021 and Barnet's Sustainable Design and Construction SPD (2016).

- 15 Prior to the first occupation of the development hereby approved it shall be constructed incorporating carbon dioxide emission reduction measures which achieve an improvement of not less than 10 % in carbon dioxide emissions when compared to a building constructed to comply with the minimum Target Emission Rate requirements of the 2010 Building Regulations. The development shall be maintained as such in perpetuity thereafter.

Reason: To ensure that the development is sustainable and minimises carbon dioxide emissions and to comply with the requirements of policies DM01 and DM02 of the Barnet Development Management Policies document (2012), Policy SI 2 of the London Plan (2021) and the 2016 Mayors Housing SPG.

- 16 Prior to installation, details of the boilers shall be forwarded to the Local Planning Authority for approval. The boilers shall have dry NOx emissions not exceeding 40 mg/kWh (0%), and shall be installed in full accordance with the details approved.

Reason: To reduce and limit NOx emissions to improve air quality and reduce greenhouse gases in accordance with Policies GG3, SI1 and SI2 of the Mayor's London Plan 2021.

- 17 No demolition or development shall take place until a stage 1 written scheme of investigation (WSI) has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no demolition or development shall take place other than in accordance with the agreed WSI, and the programme and methodology of site evaluation and the nomination of a competent person(s) or organisation to undertake the agreed works.

If heritage assets of archaeological interest are identified by stage 1 then for those parts of the site which have archaeological interest a stage 2 WSI shall be submitted to and approved by the local planning authority in writing. For land that is

included within the stage 2 WSI, no demolition/development shall take place other than in accordance with the agreed stage 2 WSI which shall include:

- A. The statement of significance and research objectives, the programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works
- B. Where appropriate, details of a programme for delivering related positive public benefits
- C. The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the stage 2 WSI.

Reason: In the interests of safeguarding the archaeological interest of the site, in accordance with paragraph 205 of the NPPF

- 18 a) A scheme of hard and soft landscaping, including details of existing trees to be retained and size, species, planting heights, densities and positions of any soft landscaping, shall be submitted to and agreed in writing by the Local Planning Authority prior to the occupation of the hereby approved development.
- b) All work comprised in the approved scheme of landscaping shall be carried out before the end of the first planting and seeding season following occupation of any part of the buildings or completion of the development, whichever is sooner, or commencement of the use.
- c) Any existing tree shown to be retained or trees or shrubs to be planted as part of the approved landscaping scheme which are removed, die, become severely damaged or diseased within five years of the completion of development shall be replaced with trees or shrubs of appropriate size and species in the next planting season.

Reason: To ensure a satisfactory appearance to the development in accordance with Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and G5 and G7 of the London Plan 2021.

- 19 The use hereby permitted shall not be open to members of the public before 8am or after 7pm.

Reason: To safeguard the amenities of occupiers of adjoining residential properties.

- 20 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) the commercial unit hereby approved shall be used as Ea use and for no other purpose (including any other purpose in Class E of the Schedule to the Town and Country Planning (Use Classes) Order, 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason: To ensure that occupation of the premises does not prejudice the amenities of future residential occupiers and to safeguard the amenities of the area in accordance with policies DM01 and DM13 of the Barnet Local Plan.

Informative(s):

- 1 In accordance with paragraphs 38-57 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.

- 2 The Community Infrastructure Levy (CIL) applies to all 'chargeable development'. This is defined as development of one or more additional units, and / or an increase to existing floor space of more than 100 sq m. Details of how the calculations work are provided in guidance documents on the Planning Portal at www.planningportal.gov.uk/cil.

We believe that your development is liable for CIL. The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £60 per sq m on all forms of development in Barnet except for education and health developments which are exempt from this charge. The London Borough of Barnet first adopted a CIL charge on 1st May 2013. A new Barnet CIL Charging Schedule applies from 1 April 2022 (<https://www.barnet.gov.uk/planning-and-building/planning/community-infrastructure-levy>) which applies a charge to all residential (including sui generis residential), hotel, retail and employment uses.

Please note that Indexation will be added in line with Regulation 40 of Community Infrastructure Levy.

Liability for CIL will be recorded to the register of Local Land Charges as a legal charge upon your site payable should you commence development. Receipts of the Mayoral CIL charge are collected by the London Borough of Barnet on behalf of the Mayor of London; receipts are passed across to Transport for London to support Crossrail, London's highest infrastructure priority.

You will be sent a 'Liability Notice' that provides full details of the charge and to whom it has been apportioned for payment. If you wish to identify named parties other than the applicant for this permission as the liable party for paying this levy, please submit to the Council an 'Assumption of Liability' notice, which is also available from the Planning Portal website.

The CIL becomes payable upon commencement of development. You are required to submit a 'Notice of Commencement' to the Council's CIL Team prior to commencing on site, and failure to provide such information at the due date will incur both surcharges and penalty interest. There are various other charges and surcharges that may apply if you fail to meet other statutory requirements relating to CIL, such requirements will all be set out in the Liability Notice you will receive. You may wish to seek professional planning advice to ensure that you comply fully with the requirements of CIL Regulations.

If you have a specific question or matter you need to discuss with the CIL team, or you fail to receive a 'Liability Notice' from the Council within 1 month of this grant of planning permission, please email us at: cil@barnet.gov.uk.

- 3 The applicant is advised that any development or conversion which necessitates the removal, changing, or creation of an address or addresses must be officially registered by the Council through the formal 'Street Naming and Numbering' process.

The London Borough of Barnet is the Street Naming and Numbering Authority and is the only organisation that can create or change addresses within its boundaries. Applications are the responsibility of the developer or householder who wish to have an address created or amended.

Occupiers of properties which have not been formally registered can face a multitude of issues such as problems with deliveries, rejection of banking / insurance applications, problems accessing key council services and most importantly delays in an emergency situation.

Further details and the application form can be downloaded from: <http://www.barnet.gov.uk/naming-and-numbering-applic-form.pdf> or requested from the Street Naming and Numbering Team via street.naming@barnet.gov.uk or by telephoning 0208 359 4500.

- 4 Tree and shrub species selected for landscaping/replacement planting shall provide long term resilience to pest, diseases and climate change. A diverse range of species and variety will help prevent rapid spread of any disease. In addition to this, all trees, shrubs and herbaceous plants must adhere to basic bio-security measures to prevent accidental release of pest and diseases and must follow the guidelines below:

An overarching recommendation is to follow BS 8545: Trees: From Nursery to independence in the Landscape. Recommendations and that in the interest of Bio-security, trees should not be imported directly from European suppliers and planted straight into the field, but spend a full growing season in a British nursery to ensure plant health and non-infection by foreign pests or disease. This is the appropriate

measure to address the introduction of diseases such as Oak Processionary Moth and Chalara of Ash. All trees to be planted must have been held in quarantine.

To ensure the replacement trees meet bio-security standards they should be purchased from a DEFRA accredited supplier that can be found here:
<https://planthealthy.org.uk/certification>

- 5 The developer is informed that hoarding, scaffolding, crane and skips on or abutting the public highway require a licence. To make an application for these licenses please contact the council's Highways Licence Team on 0208 359 3555 for any necessary Highways Licenses or email highwayscorrespondence@barnet.gov.uk
- 6 The Highway Authority will require the applicant to give an undertaking to pay additional costs of repair or maintenance of the public highway in the vicinity of the site should the highway be damaged as a result of the construction traffic. The construction traffic will be deemed "extraordinary traffic" for the purposes of Section 59 of the Highways Act 1980. Under this section, the Highway Authority can recover the cost of excess expenses for maintenance of the highway resulting from excessive weight or extraordinary traffic passing along the highway. It is to be understood that any remedial works for such damage will be included in the estimate for highway works.
- 7 Refuse collection point should be located at a ground floor level and within 10m of the collection point. Levelled access should be provided for the refuse collection personnel to collect the bins. The refuse collection personnel are not expected to push the bins on an inclined surface to safeguard their Health and Safety requirements. If the refuse vehicle is expected to travel over an un-adopted road then the applicant will be expected to sign a Waiver of Liability and Indemnity Agreement indemnifying the Council. Alternatively, the dustbins will need to be brought to the edge of the refuse vehicle parking bay on day of collection. The applicant is advised that the Council's refuse collection department is consulted to agree a refuse collection arrangement.
- 8 The applicant is required to submit a Street Works Licence application to the Development and Regulatory Services, 2 Bristol Avenue, Colindale NW9 4EW, 4-6 weeks before the start of works on the public highways.
- 9 As a result of development and construction activities is a major cause of concern to the Council. Construction traffic is deemed to be "extraordinary traffic" for the purposes of Section 59 of the Highways Act 1980. During the course of the development, a far greater volume of construction traffic will be traversing the public highway and this considerably shortens the lifespan of the affected highway.

Please note existing public highways shall not be used as sites for stock piling and storing plant, vehicles, materials or equipment without an appropriate licence. Any damage to the paved surfaces, verges, surface water drains or street furniture shall be made good as directed by the Authority. The Applicant shall be liable for the cost

of reinstatement if damage has been caused to highways. On completion of the works, the highway shall be cleared of all surplus materials, washed and left in a clean and tidy condition.

- 10 Surface of the highway and any gullies or drains nearby must be protected with plastic sheeting. Residue must never be washed into nearby gullies or drains. During the development works, any gullies or drains adjacent to the building site must be maintained to the satisfaction of the Local Highways Authority. If any gully is damaged or blocked, the applicant will be liable for all costs incurred. The Applicant shall ensure that all watercourses, drains, ditches, etc. are kept clear of any spoil, mud, slurry or other material likely to impede the free flow of water therein.

- 11 The submitted Construction Method Statement shall include as a minimum details of:
 - o Site hoarding
 - o Wheel washing
 - o Dust suppression methods and kit to be used
 - o Site plan identifying location of site entrance, exit, wheel washing, hoarding, dust suppression, location of water supplies and location of nearest neighbouring receptors. Explain reasoning if not applicable.
 - o Confirmation whether a mobile crusher will be used on site and if so, a copy of the permit and indented dates of operation.
 - o Confirmation of the following: log book on site for complaints, work in accordance with British Standards BS 5228-1:2009+A1:2014 and best practicable means are employed; clear contact details on hoarding. Standard construction site hours are 8am-6pm Monday - Friday, 8am-1pm Saturday and not at all on Sundays and Bank Holidays. Bonfires are not permitted on site.
 - o Confirmation that all Non Road Mobile Machinery (NRMM) comply with the Non Road Mobile Machinery (Emission of Gaseous and Particulate Pollutants) Regulations 1999.
 - o For major developments only: provide a copy of an asbestos survey; For smaller developments -confirmation that an asbestos survey has been carried out.

- 12 Written schemes of investigation will need to be prepared and implemented by a suitably professionally accredited archaeological practice in accordance with Historic England's Guidelines for Archaeological Projects in Greater London. This condition is exempt from deemed discharge under schedule 6 of The Town and Country Planning (Development Management Procedure) (England) Order 2015.

OFFICER'S ASSESSMENT

1. Site Description

The application site relates to the land adjacent to no. 235 Nether Street, that forms part of

a local shopping parade. The parade comprises of two storeys with commercial use on the ground floor and residential use at the first floor.

The shopping parade is located on the south western side of Nether Street and is flanked by West Finchley Station to its east and residential dwellings to its west. The application site is a vacant plot of land and is situated on the western side of the shopping parade, at the junction of Nether Street and Huntly Drive, adjacent to residential dwellings.

The site is not a listed building and is not within a conservation area. However, it falls within an area of 'Special Archaeological Interest' and within the West Finchley Neighbourhood Plan area.

2. Site History

Reference: 21/6793/FUL

Address: 235 Nether Street, London, N3 1NT

Decision: Refused

Decision Date: 11 November 2022

Description: Erection of a two storey structure with flat roof to facilitate new Education Unit (Class Use F1)

3. Proposal

Erection of a two storey structure with flat roof to facilitate creation of a 1 bedroom 1st floor flat and ground floor retail unit class E(a).

The proposed new building would measure approximately 6.4 metres in width, 9.5 metres in depth with an additional ground floor part width outrigger 3 metres in depth. The building would have a flat roof design, 7 metres in height which would be stepped down from the adjacent building to reflect the stepped nature of the whole parade as existing.

The building would provide 57.5sqm of ground floor retail space (Class E(a)).

The proposal would also provide 1x residential unit across the first floor to accommodate a 1 bed, 2 person flat with GIA of 55.5sqm.

4. Public Consultation

Consultation letters were sent to 66 neighbouring properties. 10 letters of objection and 2 letters of representation have been received, summarised below:

- o Create congestion in already congested place
- o Safety at the intersection of Nether Street, Huntly Drive and Western Court - the space cannot safely accommodate another building
- o Plans do not demonstrate a practical use of the space that would enhance social impact of the community
- o Historic England will want to advise on nature of an archaeological condition
- o Reduction of open space around Gordon Hall
- o Encourage anti-social behaviour
- o Structural concerns for surrounding properties
- o Proposed new building would be disrespectful of the 1 metre minimum distance from its land border
- o Does not seem different in size to previously refused application
- o Lack of external amenity space, resulting in poor quality of life

- o No provision for sustainability issues
- o Proposal will necessitate removal of a tree
- o Use class designation is too wide

Internal/External Consultations:

Environmental Health - no objection, subject to conditions.

Historic England - no objection, subject to conditions.

Highways - no objection, subject to conditions.

Trees - no objection, subject to conditions.

Met Police - access for the flat will be provided via the rear service road, which has reduced levels of lighting, legitimate activity and surveillance for future occupiers. Concerns regarding lack of secure garage for proposed car parking due to lack of neutral surveillance behind the building. There is no secure cycle storage or refuse store.

TfL - the site is located approx. 70m from West Finchley Station and 340m from Ballards Lane which forms part of the Strategic Road Network. The application currently has no cycle parking propose and the applicant should provide a minimum of 2 long stay spaces for the dwelling. The proposed development is in an Outer London area with a PTAL of 2 and therefore should have only have 0.75 car parking spaces per dwelling. Temporary obstructions during the construction of the development must be kept to a minimum and should not encroach on the clear space needed to provide safe passage for pedestrians or obstruct or stop the flow of traffic onto Huntly Drive from Nether Street. Subject to the above conditions being met, the proposal as it stands would not result in an unacceptable impact to the Strategic Road Network.

5. Planning Considerations

5.1 Policy Context

Revised National Planning Policy Framework and National Planning Practice Guidance

The determination of planning applications is made mindful of Central Government advice and the Local Plan for the area. It is recognised that Local Planning Authorities must determine applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against another.

The revised National Planning Policy Framework (NPPF) was published on 20th July 2021. This is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

The NPPF states that 'good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities...being clear about design expectations, and how these will be tested, is essential for achieving this'. The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits.

The Mayor's London Plan 2021

The London Development Plan is the overall strategic plan for London, and it sets out a

fully integrated economic, environmental, transport and social framework for the development of the capital to 2050. It forms part of the development plan for Greater London and is recognised in the NPPF as part of the development plan.

The London Plan provides a unified framework for strategies that are designed to ensure that all Londoners benefit from sustainable improvements to their quality of life.

Barnet's Local Plan (2012)

Barnet's Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents. Both were adopted in September 2012.

- Relevant Core Strategy Policies: CS NPPF, CS1, CS5, CS10
- Relevant Development Management Policies: DM01, DM02, DM03, DM12, DM13, DM17

The Council's approach to extensions as set out in Policy DM01 is to minimise their impact on the local environment and to ensure that occupiers of new developments as well as neighbouring occupiers enjoy a high standard of amenity. Policy DM01 states that all development should represent high quality design and should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining occupiers. Policy DM02 states that where appropriate, development will be expected to demonstrate compliance to minimum amenity standards and make a positive contribution to the Borough. The development standards set out in Policy DM02 are regarded as key for Barnet to deliver the highest standards of urban design.

Barnet's Local Plan (Reg 22) 2021

Barnet's Draft Local Plan on 26th November 2021 was submitted to the Planning Inspectorate for independent examination which will be carried out on behalf of the Secretary of State for the Department of Levelling Up, Housing and Communities. This is in accordance with Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2021 (as amended).

The Regulation 22 Local Plan sets out the Council's draft planning policy framework together with draft development proposals for 65 sites. The Local Plan 2012 remains the statutory development plan for Barnet until such stage as the replacement plan is adopted and as such applications should continue to be determined in accordance with the 2012 Local Plan, while noting that account needs to be taken of the policies and site proposals in the draft Local Plan and the stage that it has reached.

Supplementary Planning Documents

Residential Design Guidance SPD (adopted October 2016)

Sustainable Design and Construction SPD (adopted October 2016)

- Provides detailed guidance that supplements policies in the adopted Local Plan, and sets out how sustainable development will be delivered in Barnet.

West Finchley Neighbourhood Plan (2020-2035)(June 2021)

5.2 Main issues for consideration

The main issues for consideration in this case are:

- i. The principle of development
- ii. Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality
- iii. The impact on the amenities of neighbouring occupiers
- iv. Provision of adequate accommodation for future occupiers
- v. Parking and highways
- vi. Cycle Storage
- vii. Refuse and recycling storage

5.3 Assessment of proposals

The proposal involves the construction of a two storey structure with a flat roof, that would continue the existing parade of shops/flats. It will be used as Class E(a) retail unit across the ground floor level, covering approximately 57.5sqm, and 1x 1 bed, 2 person flat over the first floor with provision of 1no car parking space to the rear.

Principle of development

It is noted that the area is mixed in character comprising commercial and residential units.

The National Planning Policy Framework states that:

"To deliver the social, recreational and cultural facilities and services the community needs, planning policies and decisions should plan positively for the provision and use of shared space, community facilities (such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments."

Policy DM12 of Barnet's Development Management Policies refers to the protection/retention of retail use classes within local centres. The Policy also refers to local shops and parades being able to provide specialist uses which may not be found in the larger town centres. Reference is also made to individual shops and smaller parades as needing to demonstrate that adequate provision of local shops and services are maintained. Whilst the policy relates to existing retail uses, it is relevant in that the application proposes an addition to the retail stock of an existing local parade.

Policy CS6 of Barnet's Core Strategy states that "we will seek to protect and enhance more 'local' neighbourhood centres and parades of shops in terms of their potential contribution to sustainable suburbs and shopping."

Paragraph 11.8.1 of the Core Strategy states that "Suburban Barnet also contains a large number of neighbourhood centres and local parades of shops. These shops fulfil a vital need for many residents without access to a car or who are reluctant to travel to larger centres. Neighbourhood centres can provide local services in sustainable locations, particularly for lower density suburbs, such as hairdressers and cafes and these cater for different communities. These centres make a major contribution to the sustainability and cohesion of neighbourhoods."

The West Finchley Neighbourhood Plan, paragraph 6.2, states that "The small parade of shops (nine units) on Nether Street has the potential to provide a selection of local convenience and service-orientated retail options to local residents. This is particularly useful in a community with an ageing population that is separated from the nearest larger

shopping area, in Finchley along Ballards Lane, by a 10-15 minute walk along uphill streets. Given this context, residents would certainly support further growth in the number of service-orientated shops, such as pharmacies and a Post Office, an issues that has frequently been mentioned in engagement exercises."

Policy A1 of the West Finchley Neighbourhood Plan states that the row of shops on Nether Street, are an important local community asset. The change of use to non E Class uses along the parade will be resisted.

The provision of an additional Ground Floor Retail Unit Class E(a) would contribute to the provision of local services and would contribute to the vitality of the existing Nether Street parade. The principle of a retail unit would be in keeping with the uses within existing ground floor units of this parade and the principle of such a use is acceptable.

A 1 bed, 2 person flat is proposed at the first floor of the proposed new building. The Council recognises that flat developments can make an important contribution to housing provision, in particular smaller units and that they can make more efficient use of urban land. A review of council tax records indicates that within the existing Nether Street parade, nos. 219-235 all include flats to the upper floors and therefore, commercial use at ground floor and residential above is typical of this parade. There are no objections to residential use at the site.

Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality:

The proposed development will have two storeys with a flat roof and will follow the building line and footprint of the existing parade of shops. It will infill the space between the existing parade of shops and the pedestrian pavement that separates the site from the street (Huntley Drive) and the residential buildings.

The shopping parade has been constructed with a set back from the main road (Nether Street) with its own access road providing off street parking that separates the parade from this street. In addition, it is sufficiently set away from both sides of the parade - West Finchley Station and the residential dwellings. The parade sits comfortably within spacious settings, creating a visual break from the adjacent buildings.

A previous application at the site for the erection of a two storey building was refused due to its proposed size and scale. The reason for refusal stated:

"The proposed development would by reason of its design, siting, scale and size, constitute an overly large, dominant and visually obtrusive form of development contrary to Policy D3 of the London Plan (2021), Policies CS NPPF, CS1 and CS5 of the Local Plan Core Strategy (Adopted September 2012) and Policy DM01 of the Barnet Local Plan Development Management Policies DPD (2012)."

The officer report stated:

"Whilst the LPA do not object to the principle of development adjacent to no. 235 Nether Street, the current design is considered to be overly large and dominant in the site.

Given this and by reason of its design, siting, scale and size, the proposal would not be seen as an appropriate addition on this site and would introduce a visually intrusive feature. The alterations to the site are excessive in terms of character and would not represent a reasonable and proportionate building. The resulting development would add

additional massing when viewed in the context of the parade and immediate vicinity, which would be at odds with the character and appearance of the site, streetscene and wider area."

The current proposal seeks to overcome the previous reason for refusal, and the currently proposed building has been reduced in width to match the width of no. 235 and set in further from Huntly Drive. Further, the proposed building would follow the pattern of the parade to which it would be joined, including a set down of the ridge height of the new building as the road slopes downhill. The amended building design, in particular the reduced width is considered to result in an appropriate addition to the parade and would have an acceptable impact on the appearance of the site, wider parade and surrounding area.

Impact on the amenities of neighbours

New developments should have due regard to the amenity of existing occupiers in neighbouring buildings. Any development should ensure that the amenities of neighbouring occupiers are respected. Policy DM13 of Barnet's Development Management Policies (2012) states that new educational uses will be expected to protect the amenity of residential properties.

The proposed new building would be separated from no. 237 Nether Street by Huntley Drive and as such, due to the distance maintained between the proposed building and neighbouring residential dwellings, there will be no impact on the amenities of the residential dwellings in terms of loss of outlook/light and loss of privacy. In terms of the potential increase in noise and disturbance associated with the proposed use closer to the residential dwellings, as the proposed new commercial unit at ground floor would be joined to an existing parade of similar units, there is not considered to be any additional harm to neighbouring properties from its use with regards to noise and disturbance. In the event of an approval, conditions would be attached restricting the hours of use and also requesting further information on insulation against internally generated noise to ensure that the proposed development would not prejudice the amenities of occupiers of the attached residential properties.

It is noted that the adjoining property at no. 235 has a clear glazed window on the flank wall at first floor level. Plans indicate that this serves a bedroom of the residential first floor flat of no. 235, however this bedroom is also served by a window to the rear and as such it is not considered that there would be a resulting loss of outlook and light to the neighbouring property.

Provision of adequate accommodation for future occupiers

In terms of the amenity for future occupiers, the Planning Authority expects a high standard of internal design and layout in new residential development to provide an adequate standard of accommodation. The London Plan and Barnet's Sustainable Design and Construction SPD sets out the minimum space requirements for residential units.

Policy DM02 states that where appropriate, development will be expected to demonstrate compliance to minimum amenity standards and that development makes a positive contribution to the borough. The application will therefore be assessed according to the requirement laid out in the London Plan (2021).

The proposal would provide the following dwellings:

The London Plan sets a minimum Gross Internal Floor Area for flats based on a standard set for the number of bedrooms (b) and persons-bedspaces (p). A 1 bed, 2 person unit over 1 storey requires 50 sqm.

Table 3.3: Internal layout and design requirements of Barnet's Sustainable Design SPD (Oct 2016) states that bedrooms should meet the following requirements.

- Single bedroom: minimum area should be 7.5 m² and is at least 2.15m wide;
- Double/twin bedroom: minimum area should be 11.5 m² and is at least 2.75m wide and every other double (or twin) bedroom is at least 2.55m wide.

The proposed flat would provide 55.5sqm of accommodation and the proposed unit would meet the minimum internal space standards as per the Sustainable Design and Construction SPD.

All new dwellings are expected to be dual-aspect and benefit from adequate levels of light and outlook. This requirement would be met by the proposal.

With regards to outdoor amenity space, all units are expected to benefit from outdoor amenity space. The Sustainable Design and Construction SPD states that a minimum of 5sqm should be provided per habitable room. It is noted that the no private outdoor amenity space is provided for the residential unit. As detailed earlier in this report, all the other buildings within this parade are in residential use within the upper floors, without the provision of private amenity space. Due to the constraints of the site and similar existing situation along the parade, in this case the lack of outdoor amenity space provided for the residential unit is accepted. It is noted that the site is located in close proximity (approx. 10 minute walk) to Victoria Park. This is considered to be a viable alternative to the lack of provision of dedicated outdoor space for a non-family sized unit.

The Metropolitan Police raised concerns regarding the access for the flat being provided via the rear service road, which has reduced levels of lighting, legitimate activity and surveillance for future occupiers. The plans have been amended to include the relocation of the entrance door to the flat to the side elevation, which would provide more natural surveillance. Further concerns raised regarding the provision of secure cycle and refuse stores will be secured by way of a condition. It is noted that there were also concerns raised regarding the lack of garage parking, however, the parking arrangement to the rear is similar to the existing situation along this parade of Nether Street, with a number of the properties having car parking to the rear.

Highways and parking

The site is located at the end of a shopping parade of Nether Street near West Finchley tube station. The site lies in an area with a PTAL score of 3 (average). One bus route can be accessed within 5 minute walking distance and West Finchley tube station is within a minutes walking distance. The site is note within a CPZ and there are double and single yellow lines in the vicinity of the site. The proposal will result in a provision of a 1 bed unit and a ground floor retail unit. 1 car parking space is required for the one bed flat and 1 space for the retail. Given the size of the retail unit, Highways officers would accept no parking provision for this use and parking/servicing can take place on areas of single yellow lines on Huntley Drive which operates from Mon-Sat, 9am-10:30am. The ground floor plan shows 1 parking space for the residential and this is acceptable but a revised parking layout showing the dimensions of the proposed parking bay and minimum visibility

splay requirements is requested. This can be secured by way of a condition.

The application form indicates that a new vehicular access is proposed from the public highway and as such this will involve works on the public highway. The applicant will need to obtain a S184 license for these works.

In terms of cycle parking, 2 long-stay cycle parking spaces are needed for the residential unit and 1 long stay space is needed for the retail. Details of the cycle parking can be secured by way of a condition.

Refuse stores are located at the rear of the proposed building, which is acceptable. Details of the appearance of the refuse store can be requested by way of a condition.

Overall, highways officers would raise no objection to the proposed development, subject to conditions.

Archaeology

The site lies within the Finchley Archaeological Priority Area. Historic England were consulted on the proposal and advised that as the site has not been intensively developed in recent years, archaeological preservation is likely to be good. The proposed development could therefore cause harm to archaeological remains. Section 16 of the NPPF and London Plan Policy HC1 (2021) recognise the positive contribution of heritage assets of all kinds and make the conservation of archaeological interest a material planning consideration. Paragraph 194 of the NPPF states that applicants should provide an archaeological assessment if their development could affect a heritage asset. Historic England consultees advised that the archaeological interest are such that a two stage archaeological condition could provide an acceptable safeguard. The applicant has agreed to the inclusion of this condition.

Accessibility and Sustainability

Conditions would be attached to any permission to ensure the integration of water saving and efficiency measures insofar as a maximum of 105 litres of water consumption per person per day to comply with Policy SI 5 of the London Plan (2021) and a reduction of CO2 emissions over Part L of the 2013 Building Regulations in accordance with the requirements of Policy SI 2 of the London Plan (2021) and the 2016 Housing SPG's requirements.

In terms of water consumption, a condition would be attached to any permission to require each unit to receive water through a water meter, and be constructed with water saving and efficiency measures to ensure a maximum of 105 litres of water is consumed per person per day, to ensure the proposal accords with the London Plan (2021).

5.4 Response to Public Consultation

- o Create congestion in already congested place
- o Safety at the intersection of Nether Street, Huntly Drive and Western Court - the space cannot safely accommodate another building

Highways officers have reviewed the submitted information and raised no objection to the proposal, subject to conditions requiring a parking layout showing the dimensions of the parking bay and minimum visibility splay requirements.

- o Plans do not demonstrate a practical use of the space that would enhance social impact of the community

As detailed in the main body of the report, the proposed building and ground floor retail unit are considered to contribute to the retail offer of the Nether Street parade, and would increase the offer of services to residents in the area. WFRA encourages class E development.

- o Historic England will want to advise on nature of an archaeological condition

Historic England were consulted on the application and raised no objection, subject to a condition relating to site investigation. This has been discussed in the main body of the report.

- o Encourage anti-social behaviour

The Metropolitan Police have been consulted on the application who raised concerns regarding the access for the flat being via the rear service road. The access door for the proposed flat was subsequently relocated to the side elevation. No concerns were raised with regards to the erection of the extension causing an increase in anti-social behaviour. There is not considered to be any increase in anti-social behaviour given that the existing parade of commercial units/flats operate in a similar way.

- o Structural concerns for surrounding properties

This is not a planning consideration and would be dealt with under building control regulations, however, the applicant is advised that in the event of an approval the provisions of The Party Wall etc. Act 1996 may be applicable to this scheme.

- o Proposed new building would be disrespectful of the 1 metre minimum distance from its land border
- o Does not seem different in size to previously refused application
- o Reduction of open space around Gordon Hall

Throughout the lifetime of the application, amended plans were received which included a reduction in width of the proposed building and set in from the site boundary. This has been discussed in more detail in the main body of the report.

- o Lack of external amenity space, resulting in poor quality of life

This issue has been detailed within the main body of the report.

- o No provision for sustainability issues

Conditions would be attached with reference to carbon dioxide reduction and water saving and efficiency measures.

- o Proposal will necessitate removal of a tree

The council's arboricultural officer has reviewed the application and raised no objections. A large walnut tree has previously been removed from within the site boundary. The tree was privately owned, and it is assumed this was removed. The current proposal allows no room

for meaningful replacement planting, however, inclusion of soft landscaping is recommended and would be secured by way of a condition.

- o Use class designation is too wide

The proposal seeks permission for use Class E (a) which is for the display or retail sale of goods, other than hot food. The use would therefore be restricted to use class E(a) and a condition would be attached to ensure this.

6. Equality and Diversity Issues

The proposal does not conflict with either Barnet Council's Equalities Policy or the commitments set in the Equality Scheme and supports the Council in meeting its statutory equality responsibilities.

7. Conclusion

Having taken all material considerations into account, it is considered that the proposed development would have an acceptable impact on the character and appearance of the application site and the general locality. The development is not considered to have an adverse impact on the amenities of neighbouring occupiers. This application is therefore recommended for approval.

